

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHORHOOD PLAN:** Montopolis Neighborhood Plan

**CASE#:** NPA-2012-0005.02      **DATE FILED:**

**PC PUBLIC HEARING DATE:** August 28, 2012

**ADDRESS:** 6606 Felix Avenue

**SITE AREA:** Approx. 0.226 acres

**APPLICANT/AGENT:** Carolina Mandujano

**OWNER:** Carolina Mandujano

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Single Family      **To:** Neighborhood Mixed Use

**Base District Zoning Change:**

**Related Zoning Case:** C14-2012-0069

**From:** SF-3-NP      **To:** LR-MU-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** September 23, 2001

**PLANNING COMMISSION RECOMMENDATION:** The motion to approve staff's recommendation to deny the request for Neighborhood Mixed Use was approved by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 9-0.

**STAFF RECOMMENDATION:** Neighborhood Mixed Use Not Recommended

**BASIS FOR RECOMMENDATION:** Staff determined that the request to change the Future Land Use Map from Single Family to Neighborhood Mixed Use is not compatible with the surrounding future land uses and the following Goals, Objectives and Recommendations of the Montopolis Neighborhood Plan.

## GOALS, OBJECTIVES, AND RECOMMENDATIONS

### CHAPTER 6: LAND USE AND DEVELOPMENT

#### Goal 2: Create Homes for all Stages of Life within Montopolis

##### Objective 4: Enhance and protect existing single family housing.

**Action 12:** Preserve the existing Single Family uses and zoning in the older, established areas of Montopolis. (Please refer to the Proposed Future Land Use Map, for specific land uses and locations).

**Action 13:** Preserve residential zoning in the interior of East Montopolis to allow for new homes to be built. (Please refer to the Proposed Future Land Use Map, for specific land uses and locations).

**Staff analysis:** The subject property is 0.226 acres and is located on Felix Avenue between Vargas Road and Valdez Street. The property is currently zoned SF-3-NP and a house is located on the property. The adjacent properties to the north and west of the subject property, and the properties located across Felix Avenue to the south and southwest, are single family houses zoned SF-3-NP. An old grave yard across Valdez Street and to the west of the property is also zoned SF-3-NP. Adjacent to the east of the subject property is an auto sales and repair business in a property zoned LR-MU-NP. This use has been cited by Code Compliance as an illegal zoning use (Code Compliance Case #: 2012-078119), and the property owner is working to achieve compliance. Across Felix Avenue to the southeast of this property is a house used as an art store and gallery and a duplex-type structure zoned GR-NP and GR-MU-NP.

The applicant's request to change the future land use map from Single Family to Neighborhood Mixed Use is not consistent with the goals and text of the neighborhood plan. Objective 4 of the Montopolis Neighborhood plan calls to "Enhance and protect existing single family housing", and Actions 12 calls to "preserve the existing Single Family uses and zoning in the older, established areas of Montopolis." The proposed Neighborhood Mixed Use land use designation would replace a single family land use in an interior Montopolis neighborhood with a commercial one and would set a precedent for commercial encroachment deep into a single family neighborhood. The applicant has indicated that she plans to put a state inspection site on the property. From a land use perspective, this is an intensive land use for a property adjacent to single family structures. While the Montopolis Neighborhood Plan Contact Team voted to support the applicant's request, staff does not feel the proposed amendment to the future land use is supported by the Montopolis Neighborhood Plan or is an appropriate land use for this area.

#### **Description of Single Family land use category (Existing):**

##### **Single Family**

Single family detached or two family residential uses at typical urban and/or suburban densities.

**Purpose**

- Preserve the land use pattern and future viability of existing neighborhoods;
- Encourage new infill development that continues existing neighborhood patterns of development; and
- Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

**Application**

- Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
- May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

**Description of Neighborhood Mixed Use land use category (Proposed):**

**Neighborhood Mixed Use**

An area that is appropriate for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale) and small to medium-density residential uses.

**Purpose**

- Accommodate mixed use development in areas appropriate for a mix of residential uses and neighborhood commercial uses that serve surrounding neighborhoods; and
- Provide transition from residential use to high intensity commercial or mixed use.

**Application**

- Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single-family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
- May be used as a transition from high intensity commercial and residential uses to single-family residential uses.

**LAND USE PLANNING PRINCIPLES**

The requested change of the future land use map from single family to neighborhood mixed use is largely not supported by multiple land use principles.

- *The request does not meet the following land use principles by promoting an undesirable precedent of commercial encroachment and intense land use adjacent to single family land uses.*
  - Minimize negative effects between incompatible land uses;
  - Discourage intense uses within or adjacent to residential areas;

- Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;
  - Balance individual property rights with community interests and goals;
  - Ensure adequate transition between adjacent land uses and development intensities;
  - Avoid creating undesirable precedents;
  - Ensure that the decision will not create an arbitrary development pattern;
- ***Although the applicant's request does not meet the land use principles listed above, it does meet others by potentially providing additional commercial options for the Montopolis Neighborhood Planning Area.***
    - Promote expansion of the economic base and create job opportunities;
    - Promote development that serves the needs of a diverse population.

**PUBLIC MEETINGS:** The ordinance required plan amendment meeting was held on July 30, 2012. 278 notices were mailed to property owners and utility account holders within 500 feet of the property, in addition to neighborhood organizations and environmental groups registered in this area with the City. Approximately 40 people attended the meeting.

After Justin Golbabai and Maureen Meredith, Planning and Development Review Department staff members, described the request and the plan amendment process, Mirian Mandujano, daughter of the owner and applicant Caroline Mandujano, addressed the audience on the applicant's behalf. Ms. Mandujano stated that she is requesting the change in land use and zoning to operate a state inspection business at the property, and the property would not have any other use. Major concerns that were discussed between the applicant and the audience included the appropriateness of that type of business adjacent to single family houses, concerns about the associated traffic and pedestrian safety, questions about a large tree that was removed from the property and the associated citation the owners' received, and the feasibility of the agreement between the applicant and the contact team to limit the number of inspections to 5 cars a day. Staff clarified that under LR-MU-NP zoning, the City could not enforce limiting the use of the property to only inspections or enforce limiting the number of inspections. Besides the concerns that were raised, others in the audience voiced their support for the applicant's effort to start their own business.

After the Neighborhood Plan Amendment meeting, the Montopolis Neighborhood Plan Contact Team meeting was called to order. At that meeting, the Montopolis Planning Contact Team briefly discussed the case and a vote of 22 to 7 with 2 abstentions was taken to support the applicant's request for a neighborhood plan amendment. On August 12, 2012, a letter supporting this neighborhood plan amendment was submitted by the Montopolis Planning Contact Team and is included in this case report.

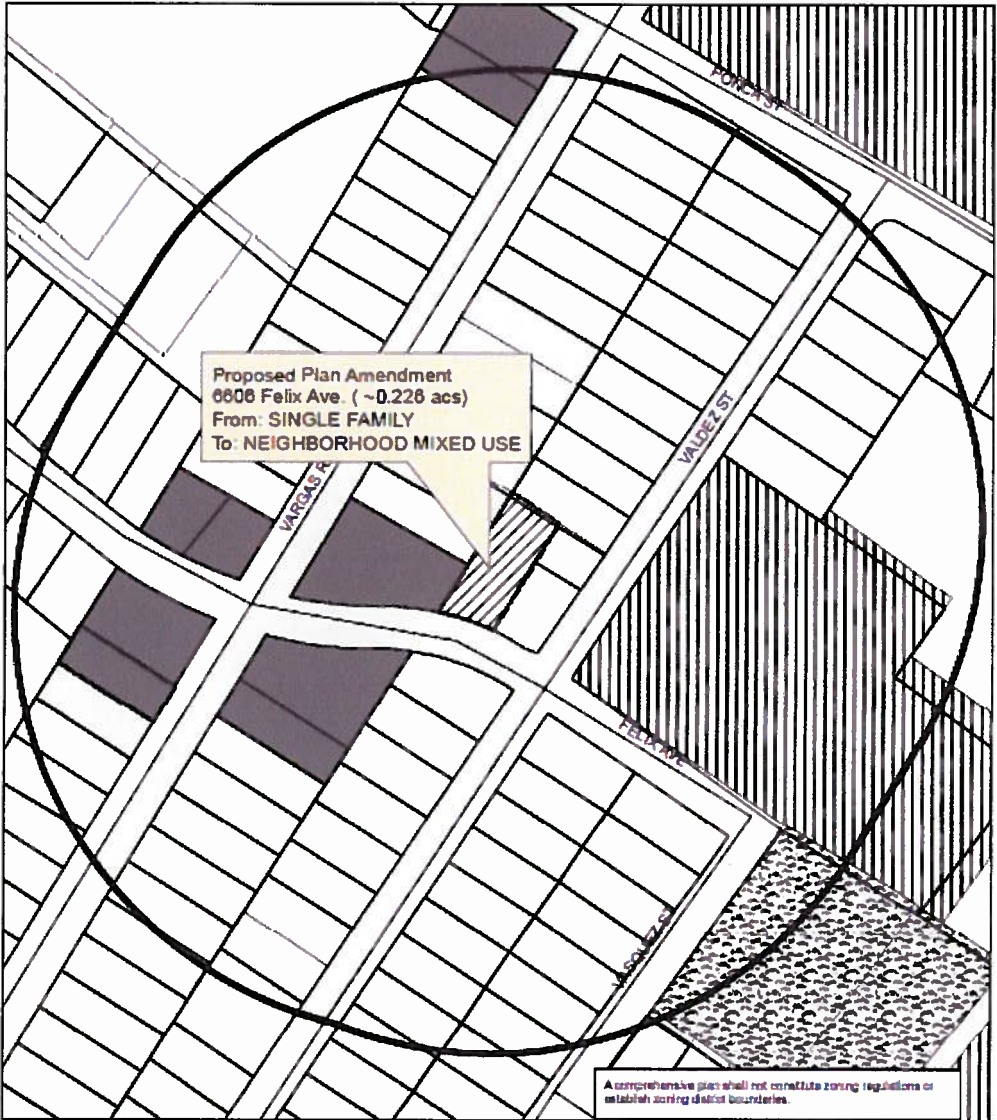
**CITY COUNCIL DATE:** September 27, 2012

**ACTION:** Pending

**CASE MANAGER:** Justin Golbabai

**PHONE:** (512) 974-6439

**EMAIL:** Justin.Golbabai@austintexas.gov



**Montopolis Neighborhood Plan  
NPA-2012-0005.02**

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



City of Austin  
Planning and Development Review Department  
Created on 07/30/2012\_M Meredith

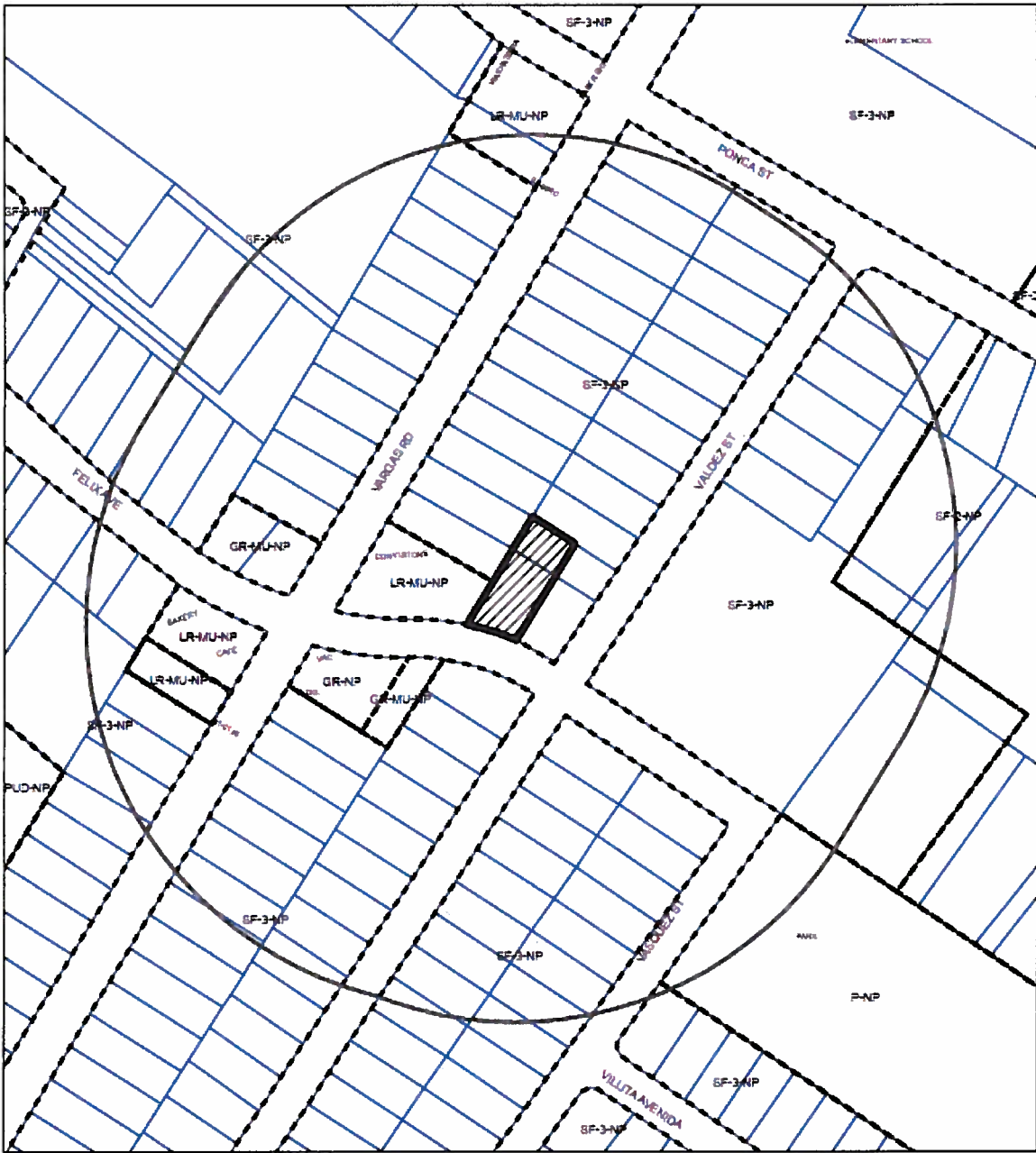


**Legend**

600ft notification boundary

**Future Land Use Categories**

- Single-Family
- Mixed Use
- Civic
- Recreation & Open Space



**NEIGHBORHOOD PLAN AMENDMENT**

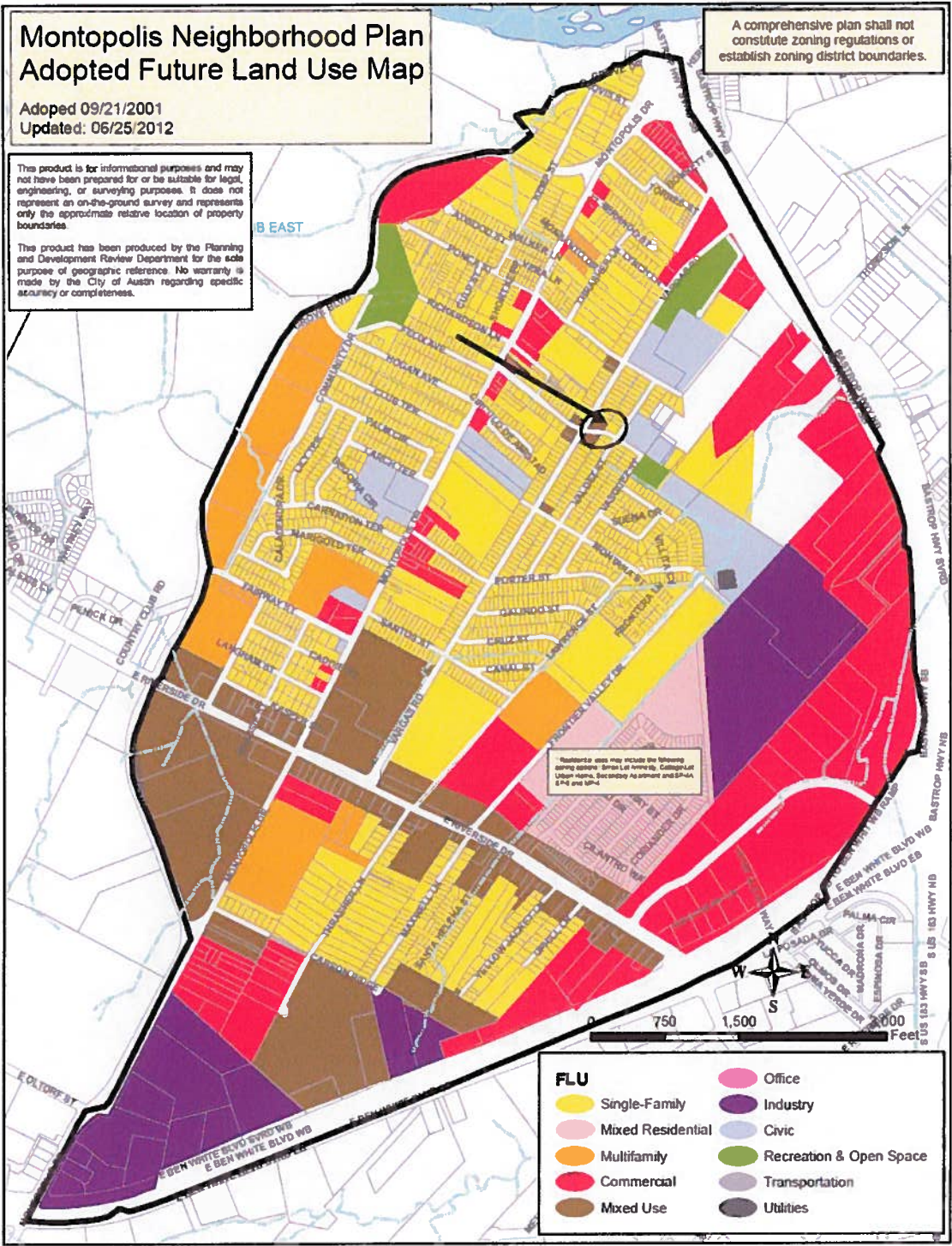
**NPA CASE#:** NPA-2012-0005.02  
**ADDRESS:** 0808 Felix Avenue  
**ACRES:** Approx. 0.226 acres

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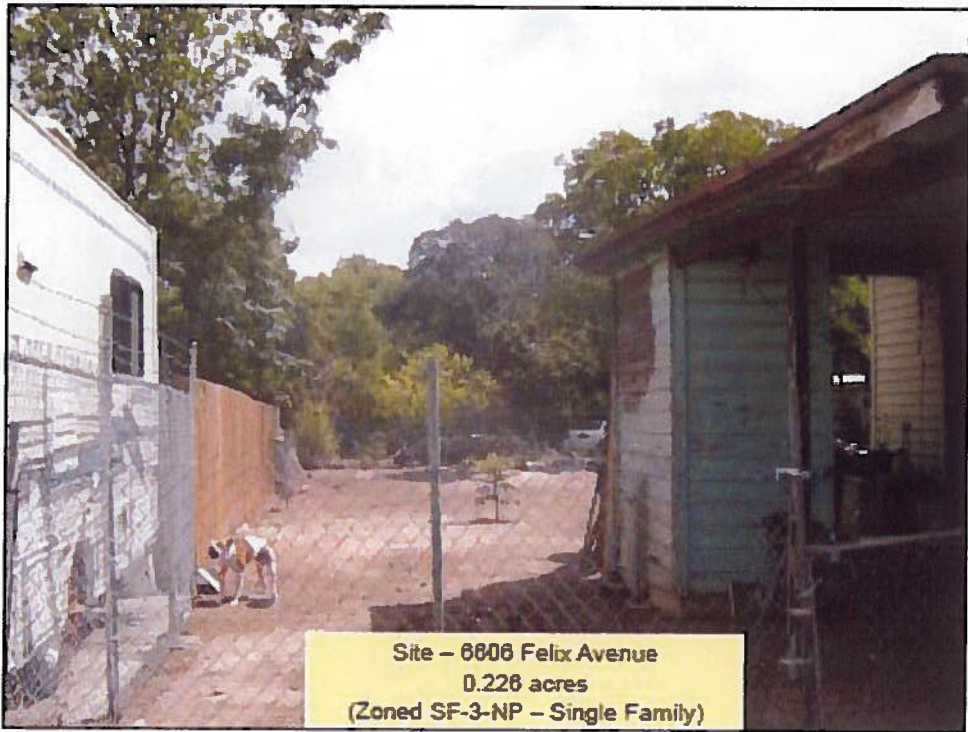
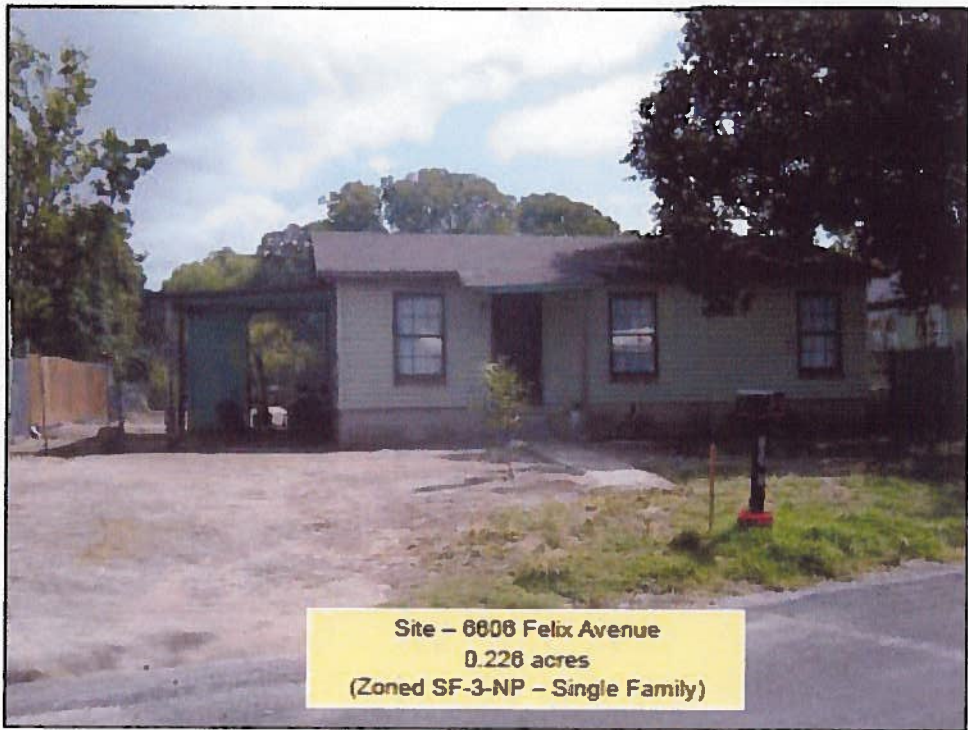


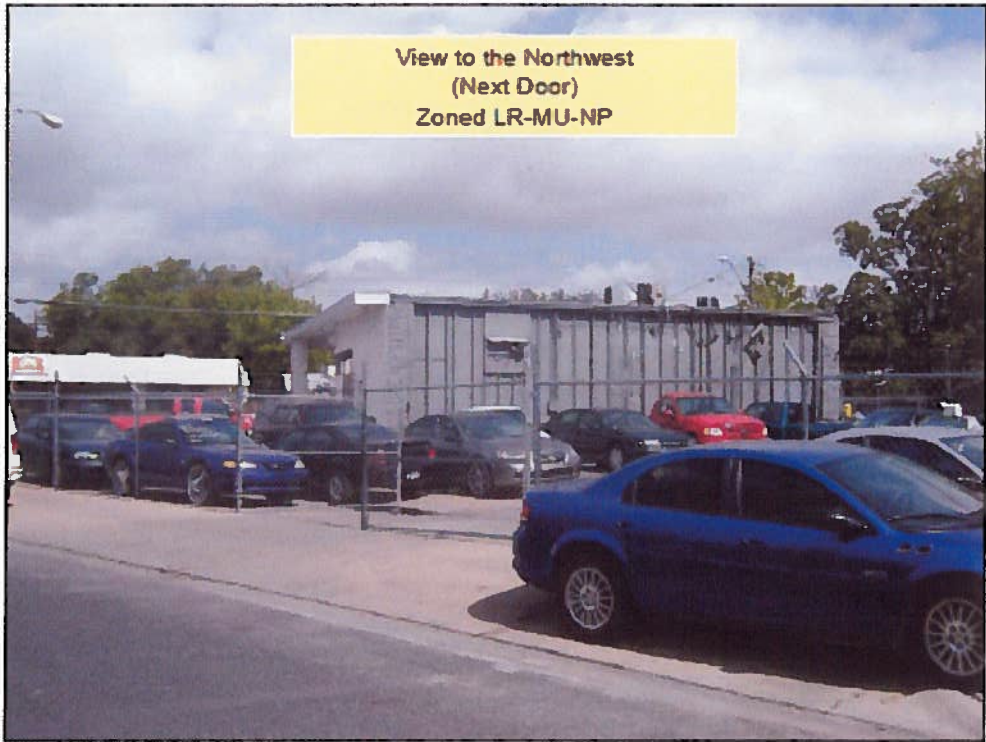
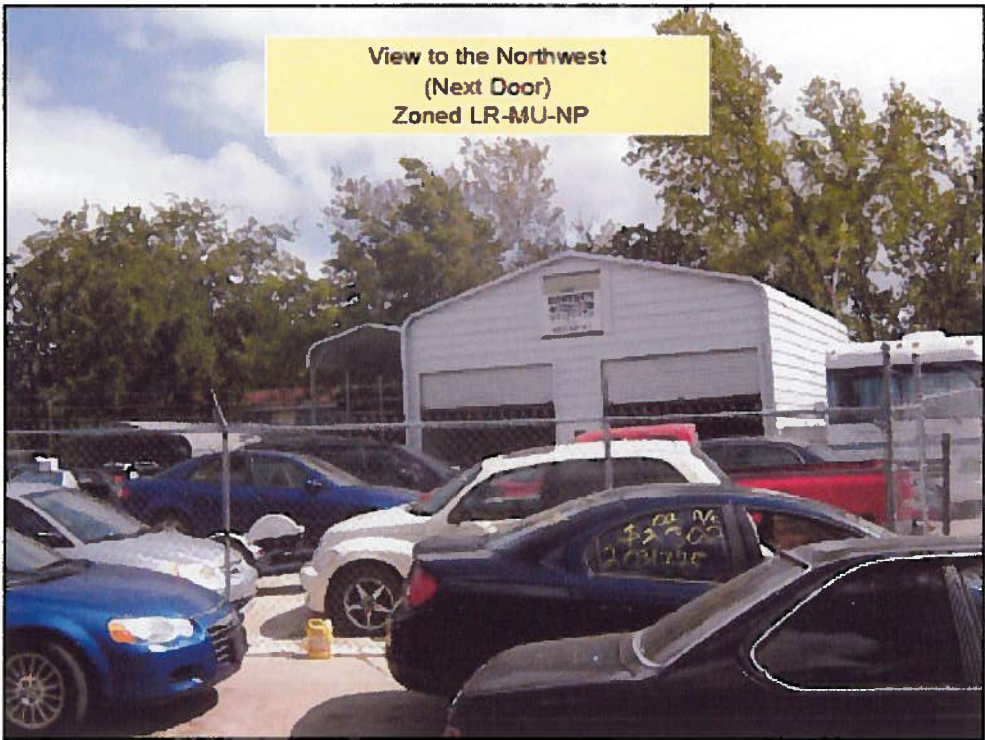




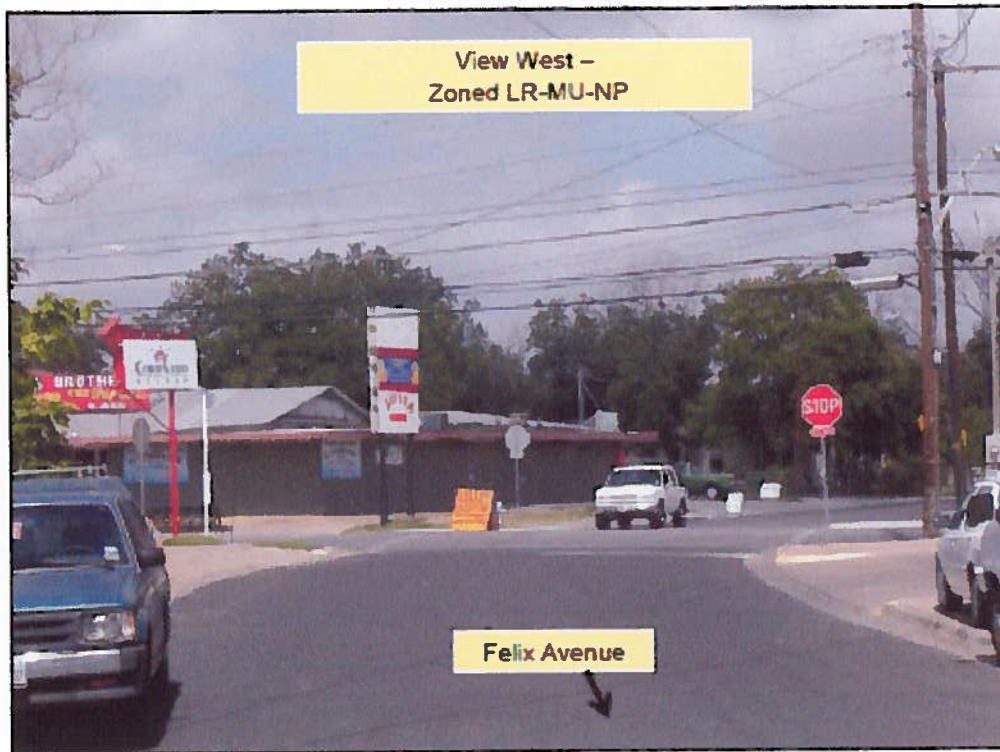


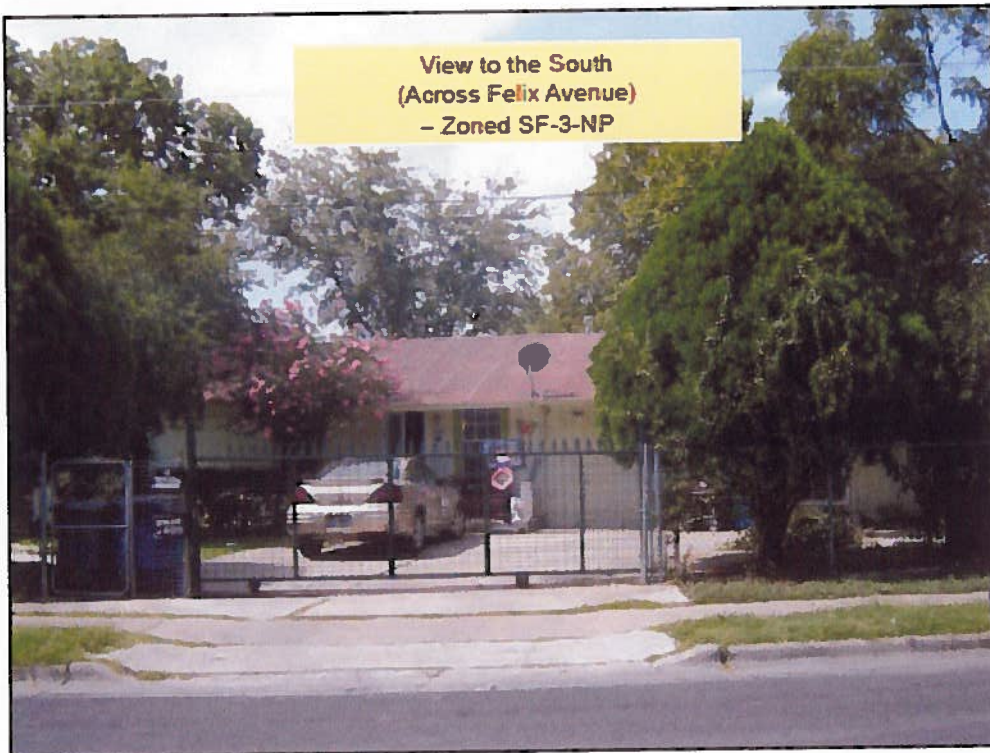




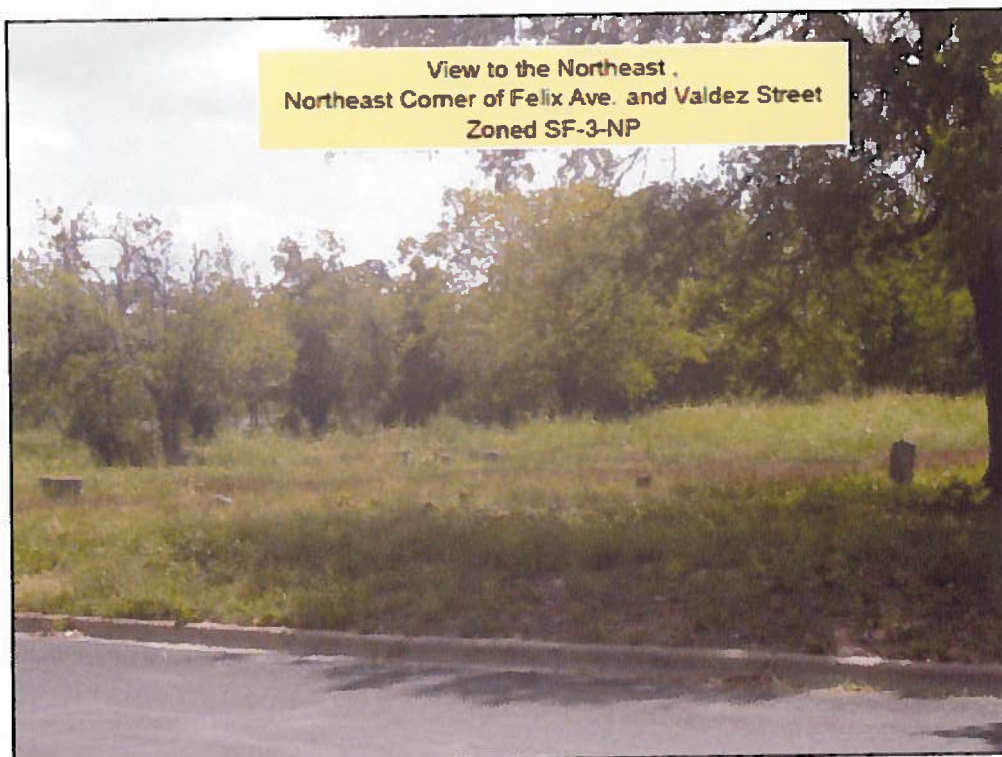














**PLEASE NOTE:**

*The following pages (pg. 15 through 31) contain a copy of the contact team's letter of support and documents and emails received by staff.*

**Montopolis Neighborhood Plan Contact Team (MNPCT)**

August 12, 2012

Ms. Maureen Meredith  
Neighborhood Planning & Zoning Department  
P O Box 1088  
Austin, TX 78767

RE: Plan Amendment for 6606 Felix Avenue- NPA-2012-0005.02 – A change in the future land use map (FLUM) from Single Family to Neighborhood Mixed use. The zoning change request is from SF-3-NP to LR-MU-NP

Dear Ms. Meredith,

The Montopolis Neighborhood Plan Contact Team (MNPCT) held its meeting on July 30th to review two Plan Amendment request. The MNPCT reviewed Carolina Mandujano's request for a plan amendment for property located at 6606 Felix Avenue, to change the future land use map (FLUM) from Single Family to Limited Retail. After a lengthy discussion the MNPCT voted to approve the plan amendment for case NPA-2012-0005.02 - 6606 Felix Avenue.

The Montopolis Neighborhood Plan Contact Team voted on January 5<sup>th</sup> to approve the zoning change for 6606 Felix Avenue from SF-Single Family to LR- Limited Retail. The MNPCT approved the rezoning for the property with the stipulation that the only use permitted under LR would be for a State Inspection facility for cars. The hours of operation for the State Inspection would be from 9 am to 6 pm. The MNPCT also requested that the property be landscaped with native plants.

Sincerely,  
*Susana Almanza*  
Susana Almanza  
President- Montopolis Neighborhood Plan Contact Team  
1406 Vargas Road  
Austin, TX 78741  
512/428-6990

Cc: MNPCT

C4

To Whom It May Concern:

I do not object to a state  
inspection office located at 6606  
Felix Avenue.

Sincerely,

Romero Rodriguez  
6603 Felix Avenue

Romero Rodriguez

January 4, 2011

I Elizabeth Cuervo Agree that Miss  
Carolina M. Put her inspection  
Business I have no inconvenience. I  
respect what the lady wants to do  
with her Business I agree with no  
problem.

Elizabeth Cuervo Cell 512/8486356  
1002 Valdez Austin Tx 78741



Rosie J. Lujillo 805 Varga Rd Austin, TX 787  
To whom it may concern.  
It is very important to be independent.  
With a good heart all things are possible.  
Thank you for your help.  
Rosie J. Lujillo

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**Dear Planning Commission Members,**

This letter is in regards to zoning permit case 2012-064623 ZC and neighborhood plan amendment case 2012-064627 NP for property in Montopolis at 6606 Felix Ave. Both cases are scheduled for the Planning Commission on August 28, 2012.

I oppose the applicant's request to change the zoning from SF-3 Family Residential to LR-MU-NP Neighborhood Commercial and the request to amend the neighborhood plan for the proposed purpose to use the property for a State Inspection Station.

Although the Montopolis Neighborhood Plan Contact Team indicated its support for changing the zoning to allow for a State Inspection Station, the team's discussion and decision of support did not consider the fact that the zoning change could also allow for gas service stations. In short, the discussion and decision was narrowly focused on one possible use that could result from the change and not all possible uses, none of which could be prohibited if the zoning change occurred.

In this instance City staff is wise to recommend denial of the applicant's request. I urge you to concur with City staff and recommend that City Council not approve these two cases.

**Preserve Single Family Housing**

It is very important to preserve property zoned SF-3 Family Residential in Austin, but especially in Montopolis where there are few options left for additional SF-3 development and where density is planned for the E. Riverside Corridor.

When deciding whether to change SF-3 Family Residential to another zoned use, a sound argument should be made as to why the property can no longer serve as SF-3 and why it is for the greater good to change it. Neither of those things has happened.

If approved, this zoning change would allow for further encroachment of commercial development into a neighborhood, a half block from a cemetery, a block from a school, on a proposed bike route that is in the bicycle master plan.

6606 Felix Ave is the middle of a block between two stop signs on a curved narrow stretch of road with inadequate sidewalks for pedestrians that has street parking on both sides, and is used to reach the bus stop at Felix & Vargas. There is little room for additional use of that street for what would be permitted under new zoning, such as the its use as a State Inspection Station that would necessitate more on street parking and street use for testing vehicles.

### **State Inspection Station Could Become Anything**

There really isn't a designation of "State Inspection Station" nor is there an effective way to limit the property to State Inspection Station use only if the zoning was to be changed to LR-MU-NP. State Inspection Station use of this single family home would require the zoning of a gas service station. Or there could some other zoned use that would again be something that encroaches into a residential neighborhood making it less desirable. This property has the back yards of 5 residential homes connected to it.

### **No Business Case For Additional State Inspection Station or Service Station**

There is no business case that can be made for an additional Inspection Station, or worse case scenario, some future allowable gas service station. A search of State Inspection Stations using this locator <http://www.txdps.state.tx.us/rsd/vi/VlactiveStationLocator/default.aspx> reveals a number of Inspection Stations in 78741. And with respect to actual service stations there are quite a few of those on E. Riverside Dr.

### **Previous Code Violations**

The owners of 6606 Felix Avenue have already received Code Violations for inappropriate use or activity on that property. In one instance they were using nearly the entire SF-3 zoned property as a place to store cars. According to City staff, the owner voluntarily complied with the order to remove the cars.

In another case, from March 2012, the owner illegally removed, without a permit, a 22-inch protected Catalpa tree. A mitigation plan has been approved, but it has yet to be implemented.

It would appear that a number of trees, some of them large, were also removed from the back yard that had a significant tree canopy covering nearly the entire area. It is not known whether any of these trees were of a protected size. See attached photos.

### **Jumping The Gun: Disregard for Process**

After starting to ask the City staff and the Montopolis Neighborhood Plan Contact Team about being able to request a zoning change, and while waiting for this process to run its

course, the owners were already acting like getting this zoning change was going to be done deal and then completely leveled all plant life on this property down to the bare soil and rocks were added. This came after a discussion with the Contact Team in January 2012 about preserving the trees on the property.

The combination of having had previous code violations and general disregard for process gives little faith to some neighbors that the owner will actually stay within the guidelines of permitted use for any new zoning.

At the last Contact Team meeting where the case was discussed there were various conciliatory remarks made such as that the owner would limit the number of inspections per day. This may not be possible because it seems that under state law an inspection station can't deny inspections if open for business. If this occurs when Allison Elementary children are walking to and from school, it would create a dangerous situation twice day on a daily basis.

Ultimately, though, the issue is whether it would be good to allow for any zoning uses permitted under LR-MU-NP on this property. As has already has been stated, we need to preserve SF-3 Family Residential and a zoning change to LR-MU-NP would have a net negative consequence for the neighborhood.

Please recommend to deny the zoning change and plan amendment requests.

Sincerely,

Stefan Wray  
Frontier at Montana HOA Member  
Montopolis Plan Contact Team Member  
Montopolis Greenbelt Association Co-Founder.

Attachments: Code Enforcement report for Unpermitted Tree Removal



Google Maps Satellite Photo: Tree Covered area to left of the "A" is 6606 Felix Avenue.





Front View of 6606 Felix Avenue in July 2012



City of Austin

Founded by Congress, Republic of Texas, 1837  
Watershed Protection and Development Review Department  
One Texas Center, 505 Barton Springs Road  
P.O. Box 1088, Austin, Texas 78767

NOTICE OF ORDINANCE / AUSTIN CITY CODE VIOLATION  
LAND DEVELOPMENT CODE  
SECTION 25-8: ENVIRONMENT  
SUBCHAPTER B, ARTICLE 1: TREE AND NATURAL AREA PROTECTION

Date: 3/29/12

Site Plan No. / Case No. / Building Permit No.: CV case # 2012 670332 CV

Address/Location: 6608 Felix

Owner Name / Address: PER T-CAD, CAROLINA MANDUJANO, 6123 WATSON BEND AUSTIN

Environmental Inspector: Chris Dolan TX18744

An inspection of the above referenced property has confirmed that a protected sized-tree, that is, a tree with a circumference of 60 inches or more, measured four and one-half feet above natural grade, has not met the minimum preservation standards and is in violation of the tree preservation ordinances.

22" CATALPA. NO PERMIT ON FILE. 100% MITIGATION REQUIRED. TREE PERMIT REQD.  
In order to expedite compliance with City Code, a Tree Ordinance Review Application must be submitted to the City Arborist, Watershed Protection and Development Review Department, One Texas Center, 505 Barton Springs Road, P.O. Box 1088, Austin, TX 78767 (or facsimile 974-3010) within seven (7) days of receipt of this notice, together with the applicable application fee. A copy of the application is attached. Additional information may be obtained at [http://www.ci.austin.tx.us/trees/preserve\\_code.htm](http://www.ci.austin.tx.us/trees/preserve_code.htm).

Failure to comply with this Notice may result in further legal action by the City of Austin, including criminal penalties of up to \$2,000.00 per day.

Please contact the City Arborist, at (512) 974-1876, for information and assistance in complying with these requirements.

Sincerely,

Greg Guansay

For: Victoria J. Li, P.E., Director  
Watershed Protection and Development Review Department  
Planning

- ☐ Notice received by: \_\_\_\_\_ Owner/Engineering/Contractor.  
☐ Notice posted on site.

X NOTICE SENT BY MAIL.

White Copy - City Arborist

Yellow Copy - EV Inspector

Pink Copy - Owner/Engineer/Contractor/Posted on Site

R11/2008









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**From:** katherine trujillo [<mailto:katherinetrujillo02@gmail.com>]  
**Sent:** Wednesday, August 15, 2012 5:09 PM  
**To:** Meredith, Maureen  
**Subject:** Zone

Mrs. Meredith

We have lived at 805 Vargas rd. For 44 years. We've been through all kind of different. Businesses around there But to have a business with Motor Oil. It's not right. We open our windows. & all we sell is oil. Its not fresh or clean air. There are So many cars & truck there. We had a nice clean Community. We're asking to keep it that way. We don't need that kind of business like that. With all that oil surrounding us we will get Rats snakes & so one. So please help us Not to pass our zoning we have now. Help us keep it the way we have it now.

Thank You

Katherine Trujillo  
805 Vargas rd.  
Austin Tx. 78741

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**From:** Pam Thompson  
**Sent:** Thursday, August 16, 2012 8:15 PM  
**To:** Meredith, Maureen; Heckman, Lee  
**Subject:** For 6606 Felix zoning & NPA cases

6606 Felix  
2012-064623 ZC  
2012-064627 NP

Dear madams and sirs,

You as the Planning Commission are an integral part of Austin's community having volunteered your time and energy to make our growing Austin as best as it can be.

For that I thank you.

We over here in Montopolis are but a small part of the City, but as you know that any place you live, and that is your home, is important.

We would like for you to consider not changing the zoning on a single-family lot in the heart of our community because it would cause a great deal of consternation.

This is a street that is travelled by children going to school in the morning and coming home in the afternoon.

If there is inspection going on, on that street, during that time, it is going to be very dangerous because there is no sidewalk on that street on one side of the road.

We understand that according to State law you cannot limit inspections. You must perform them if someone comes and asks you to.

So that the applicant's promise to the MNPCT to limit the number of inspections is a hollow promise.

If she gets service station zoning and uses it only as an inspection station as she has promised she will be forced to provide inspections whenever someone drives up to her business.

Allison Elementary is one block away. The street that is parallel to the applicant's street is one way for the buses to turn around in.

We greatly fear for anyone on the sidewalk when the inspections are taking place, but especially for the school children when they are going to and from school.

The larger issue for the community is that we will have a business on a curved road, with two stop signs at either end of the block, with increased traffic and requiring more parking on the street.

This seems an impossible situation to us. Whereas we support people having small businesses, and especially young women as this applicant is, we cannot overlook the fact that it is creating a dangerous situation and jeopardizing the safety of the pedestrians.

There is a bus stop at the end of the block for Capital Metro. People coming from the east have the alternative of walking on Felix, or Porter three and a half blocks down.

Felix is a transit route for people walking to the bus stop and only one side of the road has a sidewalk. One of the problems for us as a community is that the applicant will have the option of keeping her word and only having a car inspection station or having a full service station at this location because that is what the zoning allows.

If our worst fears are realized and she decides to have a gas station instead of an inspection station at this location it is not far from the Colorado River and it is also near a FEMA floodplain and we're not sure of what sort of mitigation controls will be required on this size lot.

We know that restrictive covenants are difficult to deal with and so asking at this point for you to make restrictions is going to be burdensome on the community because we would have to pay for the enforcement.

And so we are asking you as a community to not change the zoning on our single family lot which we don't have enough of in Montopolis anyway to create a business where a home is already located.

We have trust issues with the applicant because of the code violations that have occurred since the applicant has come to the MNPCT with a request for a zoning change.

Since then the whole front and back yard has been leveled and rocks have been put in the place of the beautiful trees, one of which was documented by the City arborist as a 22-inch Catalpa tree.

The neighbors have told us that they think it was a huge oak tree that had grown up behind the carport and that they had cut it down without any permission as well.

Cars have been parked there bumper to bumper over the entire front and back yards. And code enforcement forced them to remove the vehicles and they were removed and put on the property next door.

We are very disillusioned with the promises that the applicant has made in light of these events, because the applicant at a January meeting of the MNPCT promised that native landscaping would be included as part of the agreement for this zoning change.

It seems that the Catalpa tree was native landscaping and she totally did away with that, as well as the oak.

The applicant promised that she was going to live on the property and do inspections. If this was the case, why would she cut down trees against City ordinance?

We are very concerned as a community with the loss of the trees and her flagrant disregard for ordinances and the promises made to the MNPCT.

We think that as a community we would be better served to maintain the single family residence in the middle of our neighborhood, near a park, near a cemetery, near Allison Elementary, as a single family dwelling, that is an established pedestrian thoroughfare at this time.

We have many individuals in our neighborhood who are disabled. My neighbor in particular takes his wheelchair on this route to catch the number 4 bus.

Please consider these issues in your vote.

Thank you.

Pam Thompson  
6911 Villita Avenida  
78741

Pam Thompson  
Phone: 512-468-7607  
Email:  
Twitter:  
Location: Austin, TX

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-----Original Message-----

From: Caitlin Harris Moore  
Sent: Friday, August 17, 2012 10:36 AM  
To: Heckman, Lee; Meredith, Maureen  
Subject: Please add to case file

To Whom it May Concern,

On behalf of the Burditt Prairie Cemetery Association, please add this letter of opposition to the file for the City of Austin Zoning Change request (2012-064623 ZC) and Neighborhood Plan Amendment (2012-064627).

Thank you,

Caitlin R. Harris Moore  
6904 Villita Avenida Street,  
Austin, Texas, 78741  
(832) 865-6675

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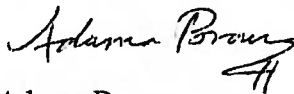


August 15, 2012

To Whom It May Concern:

I am the president of the Burditt Prairie Cemetery Covenant Association and on behalf of the Burditt Prairie Cemetery Covenant Association Board of Directors, I, Adama Brown, strongly oppose the zoning change case for 6606 Felix Avenue (C14-2012-0069 and NPA-2012-0005.02) . Thank you for voting NO to this zoning change.

Sincerely,



Adama Brown  
President  
Burditt Prairie Cemetery Covenant Association

August 15, 2012

Austin City Council, Zoning Committee and Planning Committee,

As a first time home owner, resident of the Montopolis neighborhood area, small business owner and President of the Frontier at Montana Home Owners Association\*, I am strongly opposed to the City of Austin Zoning Change request ([2012-064623 ZC](#)) and Neighborhood Plan Amendment ([2012-064627](#)).

As a stakeholder and property owner in the Montopolis area, I am concerned about the certain decrease in property value that this change will cause. Once we allow commercial zoning within our neighborhood, we lose the benefits of a community. The Montopolis Neighborhood is home to many parks as well as Allison Elementary School and the Burditt Prairie Cemetery, all of which are less than a quarter of a mile from the proposed service station. The environmental impacts that will result from the misuse or improper disposal of materials and waste at a facility such as this will greatly damage the Montopolis Neighborhood area, create an unsafe environment, and repel future investors.

This zoning request, if granted, will permanently change the Montopolis Neighborhood community and separate neighbors from the local parks, ball fields and other amenities by forcing them to walk or drive past a heavy traffic area. Cars will be constantly entering and exiting the facility and families will have no safe place to walk or cross. I care about our little neighborhood and do not feel that this zoning change is in the best interest of our families and residents. Please oppose this change to our neighborhood for the following reasons:

- **Decrease in property values**

This type of commercial zoning change will cause potential landowners, renters and investors to consider alternative locations when searching for available property. Environment impacts and traffic increase will drive current residents out of the Montopolis Neighborhood.

- **Significant increase in traffic on a small residential street**

Felix is a small residential street with a narrow roadway; there is currently limited street parking, no roadway shoulder and no sidewalk on the north side of the street. By adding a commercial business that services vehicles, the neighborhood will face unwanted and potentially dangerous traffic.

- **Multiple Violations issued to the current land owner**

There is currently a City of Austin code violation case requiring mitigation in regards to the removal of a protected tree without a permit.

- **Invalid verbal agreements made to the Montopolis Neighborhood Planning Contact Team and the residents and land owners of Montopolis**

The landowner has made verbal agreements with the MNPCT to limit the hours of operation and the number of customers served per day – It is ILLEGAL to add such limitation to a State Inspection Station or business of this nature. The landowner has made these agreements in order to have the support of the neighborhood and these agreements cannot be kept.

In closing, my husband, 17 month old son and I live .4 miles from this location, we will feel unsafe using Felix Avenue, the small residential street in our neighborhood, once it has an increase in traffic flow due to this zoning change. We have made a significant physical, emotion and financial investment in this neighborhood and we urge you to vote in opposition to this proposed zoning change and neighborhood plan amendment.

Sincerely,

**Caitlin Harris Moore**  
6904 Villita Avenida Street  
Austin, TX 78741  
(832) 865-6675

\* I am not speaking on behalf on the HOA for Frontier at Montana

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**From:** Jared Galaway [<mailto:jgalaway@gmail.com>]

**Sent:** Thursday, August 16, 2012 6:00 PM

**To:** Meredith, Maureen; Heckman, Lee

**Cc:** Ledesma, Carlos; Powers, Gabriella; Rhonna Robles; Kai Jai Conner

**Subject:** Zoning Case File Attachment

City Staff and Planning Commission,  
Please attach this letter to the file for the following cases:

**6606 Felix Avenue**

Zoning Case # [2012-064623](#) ZC

Plan Amendment Case # [2012-064627](#) NP

Request to amend neighborhood plan amendment and change zoning

From SF-3 Family Residential to LR-MU-NP Neighborhood Commercial

For the purpose of a state inspection station

**1700 1/2 Frontier Valley Drive**

Zoning Case # [2012-063326](#) ZC

Plan Amendment Case # [2012-063313](#) NP

Request to amend neighborhood plan amendment and change zoning from

From Commercial to Mixed Use Commercial

For the purpose of affordable apartments, 250 units

I am a resident and owner of a property within 500 ft of the above mentioned zoning change requests. Myself and my fellow property owners in the surrounding area ask

that you **do not approve the rezoning requests for zoning cases 2012-064623 ZC and 2012-063326 ZC**. Our concern is for issues related to property values, parking, traffic, crime, water, waste water and flooding, to name a few.

In addition, I do not believe that the developments proposed for these areas are consistent with the vision of the East Riverside Corridor Plan. Please disprove these proposals, so that we may keep large tracts of land available for future development that enriches and expands the areas surrounding downtown, especially those which are the Gateway to Austin from the Airport and one of the routes to the new Circuit of the Americas. The proper development of the East Riverside Corridor will set the tone for visitors to our city.

Thank you for listening to the residential property owners in this area,  
Jared Galaway  
6900 East Riverside Dr Unit 32  
Austin, TX 78741

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-----Original Message-----

From: Caitlin Harris Moore  
Sent: Friday, August 17, 2012 4:32 PM  
To: Heckman, Lee; Meredith, Maureen  
Subject: please add to Felix case file

To Whom it May Concern,

The attached letters are .jpeg files of letters signed in opposition to the City of Austin Zoning Change request (2012-064623 ZC) and Neighborhood Plan Amendment (2012-06462). Please add each letter to the case file.

Please confirm receipt of these files.

Thank you for your time and service,

Caitlin R. Harris Moore  
6904 Villita Avenida Street,  
Austin, Texas, 78741  
(832) 865-6675

August 15, 2012

To Whom It May Concern:

I am the legal landowner listed at 801 VARGAS Rd. My property falls within the 200 foot buffer zone for the neighborhood plan amendment NPA-2012-0005.02 / C14-2012-0069 at 6606 Felix Ave. As the property owner, I am opposed to the zoning change request.

Sincerely,

Signature: [Signature] Date: 8/15/12

Printer Name: Antonio T Beltran

August 15, 2012

To Whom It May Concern:

I am the legal landowner listed at 805 VARGAS Rd. My property falls within the 200 foot buffer zone for the neighborhood plan amendment NPA-2012-0005.02 / C14-2012-0069 at 6606 Felix Ave. As the property owner, I am opposed to the zoning change request.

Sincerely,

Signature: Rosie L. Trujillo Date: Aug/15/12

Printer Name: Rosie L. Trujillo



### PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website: [www.austintexas.gov/planning/](http://www.austintexas.gov/planning/).

### PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Development Review Department  
974-2695  
P. O. Box 1088  
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2012-0005.02

Contact: Justin Galbahi

Public Hearing: Aug 28, 2012, Planning Commission

Sep 27, 2012, City Council

Alice C. Flores  
Your Name (please print)

☐ I am in favor  
☒ I object

800 Lakes RD - Austin, TX 78711  
Your address(es) affected by this application

Alice C. Flores 8-19-12  
Signature Date

Comments:

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## City of Austin

Planning and Development Review Department  
PO Box 1088, Austin TX 78767

August 30, 2012

Carolina Mandujano  
8606 Felix Avenue  
Austin, TX 78741

Subject: Neighborhood Plan Amendment Case NPA-2012-0005.02 and  
Zoning Case C14-2012-0069

Dear Ms. Mandujano:

This letter is to confirm the action taken by the Planning Commission on August 28, 2012 in regards to the above referenced cases. Specifically, the Planning Commission voted to not recommend approval of the Neighborhood Plan Amendment or the request to rezone the property from SF-3-NP to LR-MU-NP. This is a recommendation only.

Both cases are scheduled for consideration by the City Council on Thursday, September 27, 2012, beginning at 2:00 PM. As the applicant, it is in your best interest to attend and present your request to the Council, as well as respond to any questions.

The final decision on the proposed Plan Amendment and Rezoning rests with the City Council. After a public hearing on a rezoning application, the Council may: 1) approve the zoning or rezoning application as requested; 2) approve a more restrictive zoning classification than requested; 3) approve the requested classification or a more restrictive classification subject to conditions; or 4) deny the proposed zoning or rezoning.

As we discussed in a meeting on August 9, if the Council also denies the application, you may not file an application to rezone the property or a portion of the property to the same or a less restrictive zoning district for 18 months from the date the Council denied the application. If you wish to withdraw the application before the Council considers and votes on the application, you must also wait 18 months. However, should you wish to withdraw your application before the item appears on the Council agenda, the waiting period to file an application to rezone the property or a portion of the property to the same or a less restrictive zoning district is 12 months. Unless the application is withdrawn prior to September 10, 2012, it will be considered to be on the Council Agenda for action at their September 27, 2012 meeting.

Please contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Heckman".

Lee Heckman, AICP

cc: Jerry Rusthoven, Current Planning Manager, PDR  
Maureen Meredith, Neighborhood Planning, PDR  
Justin Golbabai, Neighborhood Planning, PDR

*The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*

### PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website: [www.austintexas.gov/planning/](http://www.austintexas.gov/planning/).

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Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

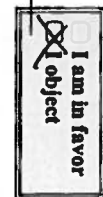
Case Number: NPA-2012-0005.02

Contact: Justin Golubai

Public Hearing: Aug 28, 2012, Planning Commission

Sep 27, 2012, City Council

Your Name (please print) Josefina Esquivel



Your address(es) affected by this application 1601 Felix Ave Austin TX 78741

Signature Josefina Esquivel Date 8/29/12

Comments:

I live right across the street